



**UNITED STATES DEPARTMENT OF COMMERCE
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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
06/852,831	04/15/86	PAULEY	J 81-83-07

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EXAMINER	
MULLEN, T	
ART UNIT	PAPER NUMBER
248	3

DATE MAILED:

09/29/87

This is a communication from the examiner in charge of your application.

COMMISSIONER OF PATENTS AND TRADEMARKS

☒ This application has been examined ☐ Responsive to communication filed on _____ ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s) 0 days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input checked="" type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input checked="" type="checkbox"/> Notice of Art Cited by Applicant, PTO-149 | 4. <input type="checkbox"/> Notice of Informal Patent Application, Form PTO-152 |
| 5. <input checked="" type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> _____ |

Part II SUMMARY OF ACTION

- ☒ Claims 1-18 are pending in the application.
Of the above, claims _____ are withdrawn from consideration.
- ☐ Claims _____ have been cancelled.
- ☐ Claims _____ are allowed.
- ☒ Claims 1-8 and 12-18 are rejected.
- ☒ Claims 9-11 are objected to.
- ☐ Claims _____ are subject to restriction or election requirement.
- ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
- ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
- ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable;
☐ not acceptable (see explanation).
- ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____, has (have) been ☐ approved by the examiner, ☐ disapproved by the examiner (see explanation).
- ☐ The proposed drawing correction, filed _____, has been ☐ approved, ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON HOW TO EFFECT DRAWING CHANGES", PTO-1474.
- ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____.
- ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
- ☐ Other

Art Unit 268

1. The prior art submitted by applicants has been fully considered.

2. The disclosure is objected to because of the following informalities:

in claim 10, "mode" should be plural on line 1; in claim 12, "capacitance" is misspelled on line 3; in claim 17, "repetitive" is misspelled on line 4.

Appropriate correction of the disclosure is required.

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification is objected to under 35 U.S.C. 112, first paragraph, as failing to provide an enabling disclosure.

On page 25, next to last line, the term "CW" is not understood.

4. Claim 10 is rejected under 35 U.S.C. 112, first paragraph, for the reasons set forth in the above objection to the specification.

5. Claim 13 is rejected under 35 U.S.C. 112, fourth paragraph, as being of improper dependent form for failing to further limit the subject matter of a previous claim. The limitation of claim 13 of a capacitance value responsive to the presence or absence of skin or flesh near spaced-apart electrodes is considered

Art Unit 268

to be set forth in claim 12 from which claim 13 depends.

6. The following is a quotation of 35 U.S.C. 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

7. Claims 1-2 are rejected under 35 U.S.C. 103 as being unpatentable over Schwitzgebel et al.

Schwitzgebel et al., discussed by applicants at page 4 of the specification, are considered to suggest the subject matter of claims 1-2, where the "time of receipt" of signals in Schwitzgebel et al. could obviously have been monitored.

8. Claims 3-7 and 12-18 are rejected under 35 U.S.C. 103 as being unpatentable over Schwitzgebel et al. as applied to claims 1-2 above, and further in view of Manning.

Manning discloses a signalling circuit responsive to the presence or absence of skin or flesh near spaced-apart electrodes. In view of this general teaching, it is considered that it would have been

obvious to one of ordinary skill to have monitored tag detachment in Schwitzgebel et al. by monitoring either strap continuity or flesh proximity or both, as in claims 3-7 and 12-16, and Schwitzgebel et al.'s tag circuit could obviously have included counting and encoding circuitry per se as in claims 17-18, particularly where Schwitzgebel et al. teach the use of a crystal controlled oscillator (column 3, lines 31-52). Although Manning teaches measuring voltage in his circuit, it would have been an obvious expedient to measure capacitance in such a system per se.

9. Claim 8 is rejected under 35 U.S.C. 103 as being unpatentable over Schwitzgebel et al. in view of Manning as applied to claims 3-7 and 12-18 above, and further in view of Cooper et al.

Cooper et al. disclose a surveillance system employing a tag, including mode control means for allowing the circuit means of the tag to selectively operate in one of a plurality of operating modes. The mode control means of Cooper et al. could obviously have been incorporated with the tag of Schwitzgebel et al. in view of Manning, as in claim 8.

10. Claims 9-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The particular operating modes recited in claim 9 are not taught or suggested by the art of record.

11. The prior art made of record and not relied

Art Unit 268

upon is considered pertinent to applicant's disclosure. Ross et al., Shirley and the NIJ publication disclose other person monitoring systems with body worn signalling devices. Bially et al. teach incorporating both identification and status information in the encoded signal of a tag for use with an individual monitoring system.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tom Mullen whose telephone number is (703) 557-7043.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 557-3321.

John P. Swann

TM

T. Mullen:vlw

9-10-87

703-557-7043